

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:24-CV-00137-RJC-DCK

CMT USA, Inc. and CMT Utensili S.p.A.,

Plaintiffs,

v.

Apex Tool Group LLC and Apex Brands, Inc.,

Defendants.

**DEFENDANTS' MOTION FOR
LEAVE TO DESIGNATE A
SUBSTITUTE EXPERT**

Pursuant to Federal Rules of Civil Procedure 37(c), Defendants Apex Tool Group LLC and Apex Brands, Inc. (collectively, "Defendants") move this Court for leave to identify and disclose a new color expert due to the death of Defendants' current color expert, Professor Steven Bleicher.

Because there is sufficient justification under the *Southern States* factors to grant Defendants' request, as explained more thoroughly in the accompanying memorandum, Defendants respectfully request the Court grant Defendants leave to designate a substitute color expert, and provide a schedule for the substitute expert's report, any rebuttal reports, and any depositions.

DATED: May 30, 2025

WOMBLE BOND DICKINSON (US) LLP

By: /s/ Aaron Johnson

Michael McCue
Aaron D. Johnson
David A. Jackson
WOMBLE BOND DICKINSON (US) LLP
50 California Street, Ste. 2750
San Francisco, CA 94111
(415) 433-1900

Michael.McCue@wbd-us.com
Aaron.Johnson@wbd-us.com
David.Jackson@wbd-us.com

DEFENDANTS' MOTION FOR LEAVE

3:24-CV-00137-RJC-DCK

SNEED PLLC
Jason M. Sneed (NC Bar No. 29593)
Megan Sneed (NC Bar No. 38525)
JSneed@SneedLegal.com
MSneed@SneedLegal.com
Litigation@SneedLegal.com

45 South Main Street, Suite 400
Davidson, NC 28036
Tel: 844-763-3347
Attorneys for Defendants

CERTIFICATE OF USE OF ARTIFICIAL INTELLIGENCE

Pursuant to this Court's order of June 13, 2024 regarding the use of artificial intelligence in court filings, Defendants Apex Tool Group LLC and Apex Brands, Inc. hereby certify:

1. No artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Lexus, FastCase, and Bloomberg;
2. Every statement and every citation to an authority contained in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction (or the party making the filing if acting pro se) as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

Signed May 30, 2025.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Aaron D. Johnson

Michael McCue
Aaron D. Johnson
David A. Jackson
WOMBLE BOND DICKINSON (US) LLP
50 California Street, Ste. 2750
San Francisco, CA 94111
(415) 433-1900
Michael.McCue@wbd-us.com
Aaron.Johnson@wbd-us.com
David.Jackson@wbd-us.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of May, 2025, the foregoing document was served via electronic means through CM/ECF on the following counsel of record:

Ward Davis (NC Bar ID 27546)
Joshua B. Durham (NC Bar ID 25414)
BELL, DAVIS & PITTS
227 W. Trade St., Suite 1800
Charlotte, NC 28202
(704) 227-0400
ward.davis@belldavispitt.com
jdurham@belldavispitt.com

Edgar H. Haug (*pro hac vice*)
Robert E. Colletti (*pro hac vice*)
Mark Basanta (*pro hac vice*)
HAUG PARTNERS LLP
745 Fifth Avenue
New York, NY 10151
(212) 588-0800
ehaug@haugpartners.com
rcolletti@haugpartners.com
mbasanta@haugpartners.com

*Attorneys for Plaintiffs CMT USA, Inc.
and CMT Untensili S.p.A.*

/s/ Aaron D. Johnson
Aaron D. Johnson, Esq.